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CHARLES ELMORE

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1929.

No. ~~498~~. 16

STATE OF FLORIDA; and A. S. WELLS, E. S. MATHEWS, ET AL., ETC., *Appellants*,

v.

UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION, ET AL., *Appellees*.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION.

JURISDICTION OF THE COURT.

FRED H. DAVIS,
As Attorney General of the State of Florida,

T. T. TURNBULL,
Solicitors for Appellants.

December 21, 1929.

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1929.

No. 493.

STATE OF FLORIDA; and A. S. WELLS, E. S. MATHEWS, ET AL., ETC., *Appellants*,

v.

UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION, ET AL., *Appellees*.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION.

JURISDICTION OF THE COURT.

(A) Statutes.

Appellants rely upon Section 238 of the Judicial Code as amended by the Act of Congress of February 13, 1925 (Chap. 229, 43 Stat. 938); also the Urgent Deficiency Act of Congress of October 22, 1913 (Chap. 32, 38 Stat. 219, 220.)

(B) Decree.

The decree appealed from was dated April 17, 1929, and entered April 22, 1929 (R. 221-222). Appellant's Notice of Appeal was dated June 6, 1929, and was presented that same day (R. 223); the Order allowing said Appeal was dated June 6, 1929, and filed June 19, 1929 (R. 231); and proof of service on all adverse parties in interest of notices of said Appeal were filed June 17, 19, and 20, 1929 (R. 234, 245, 247).

(C) The Case and the Rulings.

This suit was brought (R. 2) by the Appellants (Complainants below) to enjoin, set aside and annul so much of an order of the Interstate Commerce Commission (R. 30) dated and filed August 2, 1928, and subsequently amended and clarified in certain particulars (R. 215, 216), in a proceeding had before said Interstate Commerce Commission, being No. 18364, *Georgia Public Service Commission, Complainant, v. Atlantic Coast Line Railroad Company, Defendant,* cited as 146 I. C. C. 717 (R. 19), which said order required the Atlantic Coast Line Railroad Company to establish and put in force in intrastate commerce within and throughout the entire State of Florida without exception, certain rates on logs which in said order were fixed as reasonable for transportation from origin points in northern Florida to destination points in Georgia in interstate commerce.

Circuit Judge Walker and District Judges Sibley and Dawkins comprised the specially-constituted Court and concurred in a unanimous opinion filed January 17, 1929 (*State of Florida v. United States,* 30 F. (2d) 116 (R. 56), and afterwards said Trial Court so con-

stituted by its order dated February 21, 1929 (R. 189), granted a re-hearing and allowed these Appellants to file a Supplemental Bill (R. 76); and subsequently, upon said re-hearing, the said Judges comprising said Court concurred in a unanimous opinion (*State of Florida v. United States,* 31 F. (2d) 580 (R. 217), and on April 22, 1929, entered the final decree dated April 17, 1929, by which said Trial Court denied the relief sought and dismissed the Bill and the Supplemental Bill (R. 221-222).

(D) Cases.

Baltimore & O. R. Co. v. United States, 277 U. S. 291.
St. Louis & O'Fallon R. Co. v. United States, 279 U. S. 461.
Houston, E. & W. T. R. Co. vs. United States, 234 U. S. 342.
New York v. United States, 257 U. S. 591.

Respectfully submitted,

FRED H. DAVIS,
As Attorney General of the State of Florida,

T. T. TURNBULL,
Solicitors for Appellants.

December 21, 1929.

Service of copy of the foregoing statement as to Jurisdiction on Appeal is hereby acknowledged this .....day of December, 1929.

.....
For United States of America, Appellee.

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Solicitor for Interstate Commerce Commission, Appellee.

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Solicitor for Atlantic Coast Line Railroad Company, Appellee.

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Attorney General, State of Georgia, for Georgia Public Service Commission, Appellee.